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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,444	06/30/2003	Dieter Steinhauser	028987.52313US	7134
23911	7590	08/25/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			CHENEVERT, PAUL A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,444	<b>Applicant(s)</b> STEINHAUSER ET AL.	
	<b>Examiner</b> Paul A. Chenevert	<b>Art Unit</b> 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-33 and 35-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 10, 13-18, 20-25, 29-33, 35-38, 40, 42-44 and 50 is/are allowed.
- 6) ☒ Claim(s) 45-49 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 11, 12, 19, 26-28, 39 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 23JUL04. These drawings are acceptable.

### *Claim Objections*

2. Claims 6, 7, 9, 11, 12, 19, 26-28, 39, & 41 are objected to because of the following informalities:

- a. Claim 6, line 16, "a" should be inserted before "opposite".
- b. Claim 11 should also include the claim limitations of claim 10 because the original claim 11 depended from claims 10, 3, & 1, in that order. Claim 11 currently (as amended) contains the claim limitations of claims 11, 3, & 1, but might be allowable if contained the claim limitations of 11, 10, 3, & 1.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. **New claims 45 & 46** are rejected under 35 U.S.C. 102(b) as being anticipated by Naert. **New claim 45 includes claim limitations of original claims 1 & 5, now canceled. New claim 46 includes claim limitations of original claim 27.**

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Naert discloses a structure for a passenger motor vehicle, comprising a panel structure made of Carbon Fiber Reinforced Plastic CFRP (non-metallic material), wherein the structure forms a passenger cell, of which the panel structure comprises: a front panel structure; a rear panel structure; a **complete** floor structure (12), **which spans from the front of the vehicle to the rear of the vehicle**, and which joins the front and rear panel structures; a center tunnel extending between the front and rear panel structures; and longitudinal girders that extend between the panel structures and border the floor structure. In regards to claim 5, the rear panel structure includes a vertical panel section and a horizontal panel section extending rearwardly from the vertical panel section and located directly in front of the rear wheel area.

***Claim Rejections - 35 USC § 103***

5. **New claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naert in view of Bartesch et al. New claim 47 includes claim limitations of original claims 1, 3, & 5, now canceled. New claim 48 includes claim limitations of original claim 4, now canceled. New claim 49 includes claim limitations of original claim 27.**

Naert discloses a panel structure, as described above. However, Naert does not expressly disclose that the front panel structure includes a vertical panel section and horizontal panel section extending rearwardly from the vertical panel section.

Bartesch et al. disclose a structure for a passenger motor vehicle, comprising a panel structure integrally made of metallic material, wherein the structure forms a passenger cell, of which the panel structure comprises: a front panel structure (end wall 14) including a vertical panel section (vertical area 18) and horizontal panel section (plate 28) extending rearwardly from

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the vertical panel section; a rear panel structure (rear partition 52); a floor structure (10) joining the front and rear panel structures; a center tunnel extending between the front and rear panel structures; and longitudinal girders (side walls 32) that extend between the panel structures and border the floor structure. In regards to claim 2, the panel sections border a leg compartment (front foot area 12). In regards to claims 9 & 10, a windshield frame (see Figure 4) is structurally joined to the front panel structure.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the CFRP front panel structure of Naert, to employ a rearwardly extending horizontal panel section (also made of CFRP), as taught by Bartesch et al.

The suggestion/motivation for doing so would have been to provide a better crumple zone, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the panel structure by combining a horizontal panel section with the front panel structure to obtain the invention as specified in claim 3, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

### ***Response to Arguments***

6. Applicant's arguments filed 23JUL04 have been fully considered but they are not persuasive. Applicants' argument (located on the bottom of page 21 continuing to the top of page 22) that the floor structure 12 of Naert appears as a wheel cut out is incorrect. Although it appears in Figure 1 that reference number 12 (floor section) touches the rear wheel well, the

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reference number indicates the whole floor structure from the front of the vehicle to the rear of the vehicle to include the midsection, as is described on column3, line 49.

***Allowable Subject Matter***

7. Claims 8, 10, 13-18, 20-25, 29-33, 35-38, 40, 42-44, & 50 are allowed.
8. Claims 6, 7, 9, 11, 12, 19, 26-28, 39, & 41 would be allowable if rewritten to overcome the objection(s), set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's rearward gas tank cavity, pedal thickening area, windshield frame flanges, support column retainer plate, two single non-metallic roll bars, or support strut.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837.

The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert  
Examiner  
Art Unit 3612

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8/23/04

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
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